

Minutes of 1/13/15 Sewer Commission meeting - at the DPW conference room 520 Chase Rd.

Attendees: Chair, Carl Luck, Vice-Chair, Dave MacDonald; Members, Mike Nault, Troy Daniels. DPW Director, Jack Rodriquez; Business Manager, Barb Lefebvre. Absent: Butch Bilotta

Carl opened the meeting at 7:03pm, and introduced the 1st appointment- **Robert Emma, 1 Janet Lane**. Mr. Emma had brought copies of his bills and was upset that he had to pay the minimum even though he only moved in at the end of September. There was 0 usage. RIW Realty already paid for 7/1-9/30, and he got a bill for the same period. Barb explained that the billing program doesn't allow us to show the exact period. His issue was that that period was paid already, and doesn't see why he needs to. Carl asked about the policy and if he'd seen it. Carl noted that if the water is turned off, then we can do something. Mr. Emma asked the Commission to confirm that we still bill even if there is no usage? He closed on the 19th, and moved in at the end of the month. Carl restated the policy and the minimum charge. Only if the meter is off and there is no flow is the only time there is no bill. Troy noted on new accounts that it is also the administrative time to be considered. Mr. Emma proposed to have his payment of the invoice to be applied to the next bill. Dave questioned the process, when both owners had 0 usage. Carl said to credit the bill, policy would have to be changed. Troy again pointed out how much time is involved in billing, final read invoices, account set-up, meter #'s, owner info and that the minimum charge covers that time. Mike noted that the previous owner was billed through 9/11, and Mr. Emma through 9/30, and minimum charges apply. Mr. Emma summed it up saying he didn't agree, but respects the Commission's time and left the meeting. Troy said that no vote was needed, unless they were to change policy. Discussion continued that even if an owner is in California and has 0 usage, would we credit? No, because the meter is on. Same scenario here: meter on, minimum charge. Carl asked the representative of the **Drumm Privilege Fee Abatement Request** to come in to the meeting. Susan Drumm came in and she owns the property with her brother Bill Drumm, who had sent a letter expressing his disappointment at the Commission's ruling. She ran through the chronology of events starting in 2008 when they were bettered for a total of 5 units. They tried to develop 5 lots and were told by Szoc Surveying that they couldn't do this with the frontage and wetland issues. They advised the building inspector in February of 2010 and Susan added that part of the land is in chapter. She stated that they have been trying to meet the rules. They have now submitted a plan for 4 lots to the Planning Board, 2 of which have been sold, and the other two are on agreement. They are asking for an abatement for Lot 5. They paid cash for the betterments and are just asking for a refund and not even asking for interest. At this point Troy advised the Commission against getting in to too much of a discussion as this may go to litigation. He stated that per Mass General Law we are prohibited from processing an abatement and that it must through the appeals process. Susan added that on Jan 7, 2010, they were sent a notice of privilege fee assessment, that references the privilege fee notice, and 2 letters from the zoning officer, but she stated that they never received the privilege fee notice or the 2 letters. Barb made her a copy of the notice, and will mail her the 2 letters. Troy noted that since this could go to litigation, communication should be restricted to the party that submitted the request. Barb will send copies of the 2 letters to Bill Drumm. Susan left the meeting.

FY16 budget – Barb handed out FY16 draft (copy of rev2-meeting discussion file) and the YTD FY15. Carl started the discussion on revenues. We are assuming of the 80 properties in the sewer project, that 30% will connect. That means 24 new accounts, which is a 5% increase overall. This is the number for the whole town that we'll use for FY16 budgeting as far as new connections just to keep it simple. Discussion followed about not increasing revenues but decreasing expenses, as Carl would like to have a positive to put toward the retained earnings. Dave thought that infrastructure should be increased from \$30,000. Discussion turned to outsourcing and SWSS and parts for the repairs. Carl introduced the thought of having the grease trap program outsourced and funded by the permit fees & fines. Troy wanted clarification that infrastructure is for any parts outside the outsource contract. All present agreed that Infrastructure cost should not be reduced. Dave made the case for breaking out the items covered by Infrastructure and making sure generator repair is included next year. Dave stated that just like we increase infrastructure to \$40,000, we need to increase Outsourcing as it may not work out with SWSS, so we should increase as a contingency. Troy asked Jack if he was happy with SWSS, and Jack stated their behavior was wrong at the last meeting, but he has no issue with the work they are doing. The Outsource for SWSS was bumped by 2.5% as Deb already agreed, but after FY16, we don't know. Mike stated he accepts outsourcing. Carl proposed that we add in the delta of the Weston & Sampson bid amount of

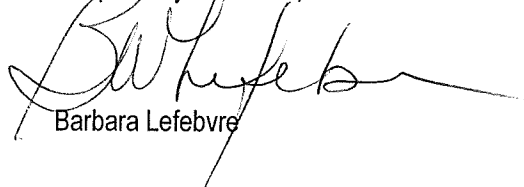
2013 into the draft budget. Barb will look it up tomorrow and adjust. Commission agreed to leave at \$41,625. So we are level funding Infrastructure and Legal, leaving it at \$9000. Engineering has \$15000 for consulting, \$20,000 to update CWMP (re-route, Lancaster, Highland, etc.). Carl asked Jay if he knew when we were meeting with FinCom and we don't know the time yet, but only that it will be the same day as DPW. Jack was told he'd have the whole time. Dave asked how firm the budget has to be and conjectured if Gary Lorden's money was received, but Carl didn't think that would be for a long while, until the first building goes online. We need to present the budget without that. Jack stated that Wright Pierce should be able to give Carl a number pretty quickly on the CWMP revision. Carl will call Kevin. Discussion moved to the SCADA systems, and the usage of monies in the project fund. Jack reiterated Kerry's wish that these monies get used quickly. Mike noted on his tour Monday that the question of either hard-wiring or wireless still hasn't been resolved. Barb will ask SWSS for quotes to do remaining stations, once this question is resolved. Carl noted if these were done quickly, they'd all be online for 2016. We need to account for this in the telephone expense line. Barb will get her answer on whether the phone line can be removed with SCADA, and if so, the expense is a wash. Dave asked about going direct and Jack stated in no uncertain terms that SWSS is our agent for the work relating to the pump stations. Under Engineering, Jack asked that each monetary amount should be spelled out under the heading, not in the descriptions making it easier to understand. Carl reviewed that we should increase infrastructure to \$41,000, outsourcing add about \$25,000, level fund legal at \$9000. The outsourcing line will have Weston & Sampson's RFP price, plus 5%, and \$7500 for the generator. All present agreed that Electricity needed to go up by 30%. Discussion occurred on the aggregate not being on all stations, and whether we should consider solar power for the 10 stations. We'll increase Telephone with the potential for 7 more stations with SCADA and the associated wireless monthly cost of \$36. Mike would like the diesel cost bumped up in case there is an extended outage and there was a discussion about that type of outage and how it would be handled. Commission determined that fuel should be level-funded. Troy noted that grease trap mailing is mentioned and reminded him that since it hasn't gone out yet, we will need to re-look at fines. In September, fining back to start of fiscal year was reasonable but now it wouldn't be fair. Carl agreed and wants it added to next agenda. On Leominster usage, 5% increases should be based on the Fy15 budget amount. Discussion turned again to the basis of an operating budget and Carl's preference to put some away for capital expenditures. We don't necessarily need a balanced budget with the extra going to retained earnings. Carl asked Jack about expenses he foresees, should we have \$100,000 available, and what he would see it being used for. Do we build the business or reduce costs? Jack said he'd like to think on the question before answering. Dave brought up the Whalom area issues and getting them resolved. Commission discussed the Board of Health DHCD fund, whether the monies still exist and using it as a fund for homeowners in need. Bob E., who had joined the meeting, said he would look into it, that unless it was voted on at town meeting, the monies are still there. Dave stated that anything we do positive for the community comes back to you. Also, another item to consider is the I/I work so that if Leominster has us switch to meter-based billings, we'll be prepared. Jack mentioned again running the sewer to the old primary school, which would improve the land's value. Bob mentioned VFD's for other pump stations. Commission discussed the potential \$24,000 betterment and how we can get it reduced for the residents, and future connections that will have that as the basis for assessing privilege fees. **Lancaster Ave.** is next on the agenda. Discussion of the Lancaster Ave. extension and the warranty reserve that needs to now be released after the warranty year is passed. Jack wished it could go to the residents but it can't. Carl stated that the amount is about \$3600. Troy asked if there is anything that could go wrong, and could the money be used to make it right? Jack noted that we held the money for a year in case there was a problem with the line. There were issues in April not addressed, but he is tired of fighting about it for \$3600. Carl stated it was a commitment we made to Elliott. Troy proposed taking the money to make the town whole with identified issues. Carl agreed but stated this was not a clean scope of work, and without that, we don't have much to stand on. Carl asked for a **motion on Elliott's request to return \$3622.50. Troy made the motion that we give back the money and move on. Carl asked for a second. Mike stated, under the circumstances, he'll second. Vote taken was unanimous.** Carl stated that in the policy discussion, there should be a formal sign-off process, like the Dan Proctor project. Bob E. stated that the Board of Selectmen had discussed requiring a bond and that the Town should have specifications that contractors should be held to, that this is a known issue in the Town with other projects, not just sewer. **Pratt St/Lakeview Ave SRF project-** Barb noted that we had received the **Project Acceptance Certificate** with the limit based on certificate of title, but Wright Pierce was happy that it had been received. Barb noted that the **Easements** went out on January 9th, and only 1 return receipt received so far, on the Brogna property. **Privately funded Extension process** – Carl noted Troy's

'process' email and asked whether anyone had any input, more than had already been discussed tonight. Troy said that a lot of the process is all already in place. But Carl noted that we still have issues, maybe it is just the mechanism needed to provide guidance that is needed. Discussion covered several issues including a bond, road-opening, communication with residents, whether a person paying for the extension has to allow abutters to connect, and contractor's responsibilities. Dave suggested we have another workshop. Barb asked that we do it in February. Carl agreed. **Annual Town Meeting Warrant opening** - Troy asked Bob about the likelihood of getting on the warrant to move the **Board of Health fund** to the Sewer Commission. Bob noted that 10 signatures are required and that he'd contact Kerry on the issue. He didn't remember it ever being released at a prior meeting. Carl asked Barb to review the issue for the **Credit Request for 65 Fairview** – Barb explained that the Szocik estate owned the property at 65 Fairview and requested a sewer connection permit. The permit was issued 12/4/13 with the connection fee based on 7 bedrooms. The owner questioned bedroom count at the time, and was referred to the Board of Assessors (BOA) who determines the number of bedrooms that the Sewer office uses to calculate the connection fee. The house was connected to sewer 12/11/13 and quickly sold on 12/17; Barb received a confirmation of 6 bedrooms from the BOA after inspection on 3/7/14. Marcia Boudreau (trustee for Szocik Realty Trust), had recently inquired as to the credit on 12/10/14. The credit for the 7 bedroom amounts to \$770. **Troy made the motion to credit 65 Fairview Rd. \$770.00, pursuant to the Board of Assessor's assessment. Dave seconded. Vote taken was unanimous.** Carl said that **Privilege fee Assessment for 42 Highland St.** is next on the agenda. Barb reviewed that the Commission already voted to assess the Privilege fee, the resident was sent the notice, and the resident has responded that he wants it apportioned on the tax bill, so a Sewer Assessment Statement has been done to record a lien at the Registry which the Sewer Commission needs to sign. The Commission signed the Statement and Carl will bring it to the Clerk's office for notarization. As for **Minutes approval**, discussion occurred with Bob E.'s input, that a majority of the Commission is required to approve the minutes, and not all members present at the specific meeting need to be the ones to vote on the minutes. They can be approved based on Mike & Dave's word that the minutes represent what occurred. **Dave made the motion to accept the minutes of 10/28/14, Mike seconded, and vote was unanimous based on their recommendation to approve.** For the minutes of 11/18, Dave made the motion to accept minutes, Troy seconded, and the vote taken was unanimous to approve the minutes of 11/18/14. For the minutes of 12/9, Troy made the motion to accept, Dave seconded, the vote taken was unanimous to approve the minutes of 12/9/14.

Business Manager Report- Invoices – Barb had 3 invoices which were approved. There were 2 **Permits to connect** -12 Joslin St. and 89 Leominster Rd., and **SCADA on Leominster Rd.** is due to be installed by the end of the month. Regarding the **SWSS Pump station reports**, Mike stated that he had done the pump station tour on 1/12, and that it was very worthwhile. The Commission discussed the flows of Leominster Rd. versus Dana St.. Carl noted that they are still shoveling sand from Graham St station. Carl added that he talked to Jack about the 37 Graham disconnection and that Mark Flagg hopes to do the work fairly quickly. **UPCOMING MEETING** - January 27, 2015, Town Hall. **Commissioners Comments** -Dave brought up the article that was in the Sentinel today where the Sewer Commission made the decision to reduce the fees, instead of the ZBA. Bob said a simple letter to the editor, clarifying the process on 40B's and the ZBA responsibility for determining affordability and that the Sewer Commission remains steadfast with what the charges should be, would go a long way. Carl will do the letter and clarify on TV at the next meeting.

Carl asked if there was anything more and asked for a motion to adjourn. **Troy made the motion, Mike seconded. Vote taken was unanimous and the meeting was adjourned at 9:55pm.**

Respectfully submitted,



Barbara Lefebvre